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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/602,824	06/25/2003	Susan P. Gill	033624-003	9863

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EXAMINER

COUGHLAN, PETER D

ART UNIT	PAPER NUMBER
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2129

DATE MAILED: 10/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/602,824

Applicant(s)

GILL, SUSAN P.

Examiner

Peter Coughlan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 6/25/2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date. _____ | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

1. This office action is in response to an AMENDMENT entered July 19, 2006 for the patent application 10/602824 filed on June 25, 2003.
2. The First Office Action of January 19, 2006 is fully incorporated into this Final Office Action by reference.

Status of Claims

3. Claims 8-30 are pending.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 8 and 10 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 8 contains the requirement that a set of 'natural language' questions are displayed. The words 'natural' or 'language' or the

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combination thereof are not in the specification. In claim 10 the requirement of 'menus comprising the trigger questions' is not stated in the specification.

Applicant needs to review and amend all claim(s) limitations such that they are described in the specification or withdraw said claim(s) from consideration.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 8-18, 21, 22, 26-30 are rejected under 35 U.S.C. 102(b) (hereinafter referred to as **Doyle**) being anticipated by Doyle 5233513.

Claim 8

Doyle anticipates displaying a set of natural language (**Doyle**, abstract, 'Natural language' of applicant is equivalent to 'spoken or written word' of Doyle.) trigger questions (**Doyle**, C14:36-46; 'Trigger questions' of applicant is equivalent to 'central question sentences' of Doyle.) relating to identification (**Doyle**, C14:36-46; 'Relating to identification' of applicant relates to 'subjects or objects' of Doyle.) of triggers for a problem and receiving responses to the set of trigger questions (**Doyle**, C13:1-15;

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'Receiving responses' of applicant is equivalent to 'what-is model' of Doyle.); displaying a set of natural language (**Doyle**, abstract, 'Natural language' of applicant is equivalent to 'spoken or written word' of Doyle.) reaction questions relating to collection of reactions (**Doyle**, C13:1-15; 'Collection of reactions' of applicant is equivalent to 'what-is model' of Doyle.); to the triggers (**Doyle**, C14:36-46; 'Triggers' of applicant is equivalent to 'central question sentences' of Doyle.) and receiving responses to the set of reaction questions (**Doyle**, C13:1-15; 'Receiving responses' of applicant is equivalent to 'results' of Doyle.); receiving inputs of action steps to address the problem based on the triggers and the reactions (**Doyle**, C14:57-59; 'Address the problem' of applicant is equivalent to 'select processes' of Doyle.); identifying conflicts based on the triggers, the reactions, and the actions steps (**Doyle**, C4:60-62; 'Identifying conflicts' of applicant is equivalent to 'review issues and problems' of Doyle.); generating a map based on the triggers, reactions, actions steps, and conflicts (**Doyle**, C14:19-27; 'Generating a map' of applicant is equivalent to 'map user'... 'automatically generated' of Doyle.); and displaying prompts for evaluating the problem based on the map. (**Doyle**, C227:52-59; 'Prompts for evaluating' of applicant is equivalent to 'reports, forms, data packets'... 'are generated' of Doyle.)

Claim 9

Doyle anticipates each of the steps (a) through (f) may be performed, repeated, or executed in any order. (**Doyle**, C24:28-36; 'Any order' of applicant is equivalent to 'menus'... 'accessed in any order' of Doyle.)

Claim 10

Doyle anticipates (a1) displaying a series of menus comprising the trigger questions. (**Doyle**, C14:19-46; 'Series of menus' of applicant is equivalent to 'menus' of Doyle. 'Trigger questions' of applicant is equivalent to 'central question sentences' of Doyle.)

Claim 11

Doyle anticipates (b1) displaying a series of menus comprising the reaction questions. (**Doyle**, C14:19-46; 'Reaction questions' of applicant is demonstrated by 'another dialogue' that 'uniquely identifies' of Doyle. Doyle narrows the search parameters with the continued dialogue. 'Series of menus' of applicant is equivalent to 'menus' of Doyle.)

Claim 12

Doyle anticipates (c1) displaying a series of menus comprising questions to identify one or more action (**Doyle**, C38:64-68, C192:56-61; 'One or more action' of applicant is equivalent to 'processes' of Doyle. 'Questions to identify' of applicant is equivalent to 'answers to these questions' of Doyle.)

Claim 13

Doyle anticipates filtering the map to identify conflicting data and priorities. (**Doyle**, C224:65 through C225:2 and C7:7-10; 'Map'... 'priorities' of applicant is equivalent to 'conceptual schema' of Doyle. 'Conflicting data' of applicant is accomplished by 'integrity constraints' of Doyle.)

Claim 14

Doyle anticipates connections between the triggers, reactions, action steps, and conflicts and their relationships. (**Doyle**, abstract; 'Connections' of applicant is equivalent to 'interrelationship' of Doyle.)

Claim 15

Doyle anticipates displaying a series of menus comprising the prompts. (**Doyle**, C227:52-59 and C14:19-27; 'Series of menus' of applicant is equivalent to 'reports, forms, data packets'... 'are generated' of Doyle. 'Prompts' of applicant is equivalent to 'reports' of Doyle.)

Claim 16

Doyle anticipates storing data collected from steps (a) through (f) (**Doyle**, C74:31-34; 'Storing data' of applicant is equivalent to 'adding data' of Doyle.)

Claim 17

Doyle anticipates the stored data is categorized. (Doyle, C74:6-16: 'Data is categorized' of applicant is equivalent to 'compatible files' of Doyle.)

Claim 18

Doyle anticipates categorized data supports effective data queries for cross-disciplinary knowledge building. (Doyle, Fig 1A, 'Cross-disciplinary knowledge' of applicant is demonstrated by 'management, analytical team and project manager' of Doyle.)

Claim 21

Doyle anticipates any of the questions displayed in steps (a) through (f) are preformulated or dynamically generated based on received responses. (Doyle, C14:19-27; 'Preformulated' of applicant is equivalent to 'set of questions' of Doyle.)

Claim 22

Doyle anticipates the method is implemented for at least one of the following: project management (Doyle, C2:11-12; 'Project management' of applicant is equivalent to 'project management' of Doyle.); collaboration facilitation (Doyle, C3:31-39; 'Collaboration facilitation' of applicant is equivalent to 'process models'... 'people or organizational units' of Doyle.); work process monitoring and tracking (Doyle, C3:31-59; 'Work progress monitoring and tracking' of applicant is equivalent to 'process

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models'...'process throughput' of Doyle.); learning curriculum; or knowledge management.

Claim 26

Doyle anticipates providing a toggle between an active and a passive mode, wherein the active mode categorizes and orders inputs received in any of steps (a) through (f) (**Doyle**, C24:28-36; 'Active mode' of applicant is demonstrated by Doyle by having access to any menu.), wherein the passive mode allows for navigating and searching of the inputs. (**Doyle**, C14:19-27; 'Allows for navigating and searching' of applicant is equivalent to 'calculate report or screen root files' of Doyle.)

Claim 27

Doyle anticipates wherein in the active mode, the inputs are logged and operations can be performed on the inputs. (**Doyle**, C6:33-35; 'Inputs are logged' of applicant is equivalent to 'audit log of systems transactions' of Doyle.)

Claim 28

Doyle anticipates wherein in the passive mode, searching of inputs in information resources and knowledge archives is provided. (**Doyle**, C6:36-38; 'Searching'...'knowledge archives' of applicant is equivalent to 'database archival and restoration' of Doyle.)

Claim 29

Doyle anticipates wherein a user's path through steps (a) through (t) is recorded and stored. (**Doyle**, C35:59-62; 'User's path'... 'is recorded' of applicant is demonstrated by retrieval of a path by name of Doyle.)

Claim 30

Doyle anticipates the stored path is used to study user preferences and to support updates and refinements to the path. (**Doyle**, C14:36-46 and C6:36-38; 'Updates' of applicant is equivalent to 'relational updaters' of Doyle. 'Path' of applicant is equivalent to 'navigational paths' of Doyle. 'Stored path' of applicant is demonstrated being able to have 'database archival and restoration' of Doyle.)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 19, 20, 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Doyle as set forth above, in view of Straforini. (U. S. Patent Publication 20020038228, referred to as **Waldorf**)

Claim 19

Doyle fails to particularly call for the stored data is time stamped.

Waldorf teaches the stored data is time stamped. (**Waldorf**, ¶0072; 'Time stamped' of applicant is equivalent to 'time/date stamp' of Waldorf.) It would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the teachings of Doyle by having time as an parameter as taught by Waldorf to have the stored data is time stamped.

For the purpose of determining if time is a factor with the business model.

Claim 20

Doyle fails to particularly call for the time stamped data supports event tracking and knowledge management.

Waldorf teaches the time stamped data supports event tracking and knowledge management. (**Waldorf**, ¶0080; 'Time stamped data' of applicant is equivalent to 'time metrics' of Waldorf. 'Knowledge management' of applicant is equivalent to 'system monitors' of Waldorf.) It would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the teachings of Doyle by using time

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data to gain insightful knowledge as taught by Waldorf to have the time stamped data supports event tracking and knowledge management.

For the purpose of determining if patterns within the time domain emerge for management and/or knowledge purposes.

Claim 23

Doyle fails to particularly call for the method is implemented as an Internet-based system.

Waldorf teaches the method is implemented as an Internet-based system. (Waldorf, ¶0104) It would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the teachings of Doyle by using the Internet as taught by Waldorf to have the method being implemented as an Internet-based system.

For the purpose of not being restricted to use the system within a given network.

Claim 24

Doyle anticipates creating a collaborative transaction to support collaboration among a plurality of users for the problem. (Doyle, C8:1-15; 'Collaborative transaction' of applicant is equivalent to 'users create a metavision process model' of Doyle.)

Claim 25

Doyle fails to particularly call for the method is implemented in an Intranet.

Waldorf teaches the method is implemented in an Intranet. (**Waldorf**, ¶0104; 'Intranet' of applicant is equivalent to 'private networks' of Waldorf.) It would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the teachings of Doyle by having the system being accessed by more than one machine as taught by Waldorf to have the method being implemented on an Intranet.

For the purpose of being able to use the system within a given network and not just on a single machine.

Response to Arguments

5. Applicant's arguments filed on July 19, 2006 for claims 8-30 have been fully considered but are not persuasive.

6. In reference to the Applicant's argument:

Claims 1-7 are rejected under 35 USC 101 for nonstatutory subject matter. Claims 1-7 have been canceled, thus their rejection is moot.

Claims 1-7 are rejected under 35 USC 103(a) as being unpatentable over Reid et al in view of Nagafushi, and further in view of Yamamoto, Olster, and Savitch. Claims 1-7 have been canceled, thus their rejection is moot.

Applicant submits these cited references do not teach or suggest newly added claims 8-30. None of the cited references relate to process data management. Instead, they relate to diagnosis of machine malfunctions, i.e., review of received diagnostic data to determine recovery methods.

More specifically, Reid discloses condition monitoring among networked machines in which a diagnosis of the condition of the machine, or machine malfunction, is enabled by vibrational input. Nagafuchi discloses an operation control system for diagnosing a faulty power generating facility and provides a means for automatically generating the information needed for repair. Yamamoto discloses a method and device for repair of defective portions of a substrate, and a data sorter for grouping data by type. Olster discloses an apparatus and method for mapping surfaces of an object, structure, or vehicle using GPS. Savitch discloses a switch statement where a choice of information to be viewed is entered.

In contrast, the claimed invention relates to management of data during the process of analyzing a problem. The claimed invention is projective, not diagnostic. Through the recited elements, the claimed invention provides a computer implemented method and system for passively and actively collecting information to enable users to coordinate problem analysis. The claimed invention thus provides a guidance framework using natural language, optimizing future decision-making based upon past knowledge.

Therefore, the cited references do not teach or suggest the combination of elements as recited in newly added claims 8-30.

Examiner's response:

Applicant makes no argument.

Examination Considerations

7. The claims and only the claims form the metes and bounds of the invention.

"Office personnel are to give the claims their broadest reasonable interpretation in light of the supporting disclosure. *In re Morris*, 127 F.3d 1048, 1054-55, 44USPQ2d 1023, 1027-28 (Fed. Cir. 1997). Limitations appearing in the specification but not recited in the claim are not read into the claim. *In re Prater*, 415 F.2d, 1393, 1404-05, 162 USPQ 541, 550-551 (CCPA 1969)" (MPEP p 2100-8, c 2, I 45-48; p 2100-9, c 1, I 1-4). The Examiner has the full latitude to interpret each claim in the broadest reasonable sense.

Examiner will reference prior art using terminology familiar to one of ordinary skill in the art. Such an approach is broad in concept and can be either explicit or implicit in meaning.

8. Examiner's Notes are provided to assist the applicant to better understand the nature of the prior art, application of such prior art and, as appropriate, to further indicate other prior art that maybe applied in other office actions. Such comments are entirely consistent with the intent and sprit of compact prosecution. However, and unless otherwise stated, the Examiner's Notes are not prior art but link to prior art that one of ordinary skill in the art would find inherently appropriate.

9. Examiner's Opinion: Paragraphs 8 and 7 apply. The Examiner has full latitude to interpret each claim in the broadest reasonable sense.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Claims 8-30 are rejected.

Correspondence Information

12. Any inquiry concerning this information or related to the subject disclosure should be directed to the Examiner Peter Coughlan, whose telephone number is (571) 272-5990. The Examiner can be reached on Monday through Friday from 7:15 a.m. to 3:45 p.m.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor David Vincent can be reached at (571) 272-3687. Any response to this office action should be mailed to:

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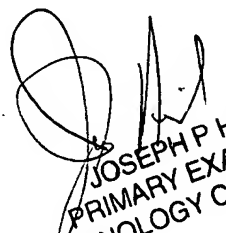
(571) 273-8300 (for formal communications intended for entry.)

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have any questions on access to Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).



Peter Coughlan

9/29/2006



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